

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WALID KAMEL,	
	Plaintiff,
-against-	
MICHAEL PRISCO,	
	Movant,
BEST BUY CO., INC.,	
	Defendant.

Case No. 23-cv-00033 (JLR)

ORDER DENYING REQUEST
FOR EXTENSION

JENNIFER L. ROCHON, United States District Judge:

Plaintiff Walid Kamel (“Plaintiff”), *pro se*, has moved the Court to extend his time to respond to a motion for fees filed by his former counsel, Michael J. Prisco (“Prisco”), *see* Dkt. 54, until after his appeal is resolved. Dkt. 63 (“Mot.”). For the reasons that follow, the Court will deny Plaintiff’s motion.

PRIOR PROCEEDINGS

On April 13, 2022, Plaintiff, represented by Mr. Prisco, commenced this action against Defendant Best Buy Co., Inc. (“Best Buy”) to recover monetary damages relating to personal injuries resulting from a fall. *See* Dkt. 1 ¶¶ 1, 4, 6. Following a jury trial that took place between November 18 to November 20, 2024, judgment was entered in favor of Plaintiff in the amount of \$250,000 pursuant to the jury’s verdict in favor of Plaintiff as to liability and the parties’ stipulation as to damages. *See* Dkt. 51. After the case was submitted to the jury, Plaintiff requested to relieve Mr. Prisco, which request the Court granted. Dkt. 50.

On December 11, 2024, Mr. Prisco moved this Court for an order, among other things, setting a charging lien in favor of the Law Office of Michael James Prisco PLLC for its

attorney's fee in the amount of \$48,534.26 and disbursements in the amount of \$3,488.48 for legal work performed on behalf of Plaintiff. Dkt. 54 at 1. The Court directed Plaintiff and Best Buy to file any responses to the motion by December 26, 2024. Dkt. 55. Plaintiff subsequently filed the instant request for an extension on December 23, 2024. *See* Mot.

DISCUSSION

The Court is obliged to construe *pro se* submissions liberally, interpreting them to raise the “strongest [claims] that they suggest.” *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006) (citation omitted). Plaintiff requests an extension of time to respond to Mr. Prisco's fees motion until after his appeal is resolved — an extension for an indefinite period of time. *See* Mot. Plaintiff contends that an extension would be proper because “the case is still on appeal progress and addressing financial matters now would be premature.” *Id.* However, it is the settled law of this Circuit that “notwithstanding a pending appeal, a district court retains residual jurisdiction over collateral matters, including claims for attorneys' fees.” *Tancredi v. Metro. Life Ins. Co.*, 378 F.3d 220, 225 (2d Cir. 2004). And indeed, district courts in this Circuit routinely decide motions for attorneys' fees when an appeal is pending. *See, e.g., Giuffre Hyundai, Ltd. v. Hyundai Motor Am.*, 574 F. App'x 30, 31 (2d Cir. 2014) (summary order) (affirming district court's entry of judgment awarding fees after plaintiff had filed notice of appeal). As a result, the Court denies Plaintiff's motion insofar as it seeks an extension of time to reply until after resolution of his appeal.

However, the Court will grant Plaintiff a two-week extension of time to reply to the motion. Under Federal Rule of Civil Procedure (“Rule”) 6(b), the Court may extend the time for motion papers for good cause “if a request is made[] before the original time or its extension expires.” Fed. R. Civ. P. 6(b)(1)(A). “[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking

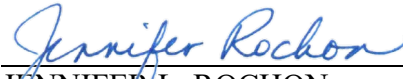
relief or prejudice to the adverse party.” *Alexander v. Saul*, 5 F.4th 129, 154 (2d Cir. 2021) (quoting 4B Charles Alan Wright & Arthur R. Miller, Federal Practice & Procedure § 1165 (4th ed. 2021 update)). While the Court will not grant an indefinite extension of time for Plaintiff to respond to the motion, the Court will grant a two-week extension so that Plaintiff has an opportunity to respond to the motion on the merits.

CONCLUSION

For the foregoing reasons, Plaintiff’s request to extend his time to respond to Mr. Prisco’s motion for fees until after the resolution of his appeal is denied. The Court will grant an extension of time to **January 17, 2025** for Plaintiff to respond to the motion. The Clerk of Court is directed to mail this order to the address Plaintiff provided in his *pro se* submission, Dkt. 53, 1966 1st Ave., NY, NY, 10029.

Dated: January 3, 2025
New York, New York

SO ORDERED



JENNIFER L. ROCHON
United States District Judge